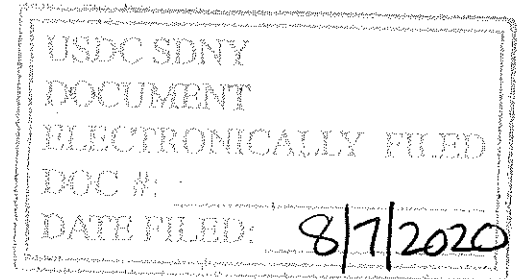


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



PETRONI,

Plaintiff,

- against -

**BLUSTEIN SHAPIRO RICH &
BARONE LLP, ET AL.,**

Defendants.

**MEMORANDUM AND
ORDER**

19 Civ. 3823 (NSR)(PED)

PAUL E. DAVISON, U.S.M.J.:

Plaintiff objects to defendants' withholding, on attorney-client privilege grounds, 47 documents which defendants have duly described on a privilege log. [Dkt. 21.] Defendants filed a letter-brief defending their invocation of privilege [Dkt. 22], and the Court heard argument on July 23, 2020. At that hearing, the Court denied without prejudice plaintiff's motion for disclosure of the 47 documents pursuant to the crime-fraud exception, but reserved decision regarding application of the "fiduciary exception" pending *in camera* review of the 47 documents in accordance with *NAMA Holdings, LLC v. Greenberg Traurig LLP*, 133 A.D.3d 46 (1st Dept. 2015). Familiarity with the record is assumed.

The Court has completed *in camera* review of the 47 documents. Based on that review, the Court concludes that the following documents either 1) are not privileged; or 2) are privileged but may be disclosed to plaintiff pursuant to the "fiduciary exception." These documents shall be produced to plaintiff within 5 business days of this Order:


1, 6, 7, 8, 9, 12, 13, 14, 15, 21, 22, 27, 28, 34, 38, 39, 40, 44, 45, 47.¹

¹Document numbers correspond to defendants' privilege log [Dkt. 21-1 .]

Defendants' objection to producing the remaining documents described on the privilege log is **SUSTAINED**.

Dated: August 7, 2020
White Plains, New York

SO ORDERED



Paul E. Davison, U.S.M.J.